



Practitioner's Docket No.: 283_237.10CPA

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of: Robert J. Hennick et al.

Ser. No.: 09/312,479

Group Art Unit: 2878

Filed: May 17, 1999

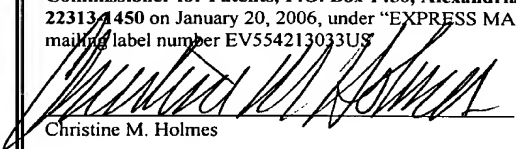
Examiner: Luu, Thanh X.

Confirmation No.: 2665

For: **OPTICAL AND IMAGE SENSOR SUBASSEMBLY ALIGNMENT AND MOUNTING METHOD**

Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
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I hereby certify that this paper is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 addressed to **Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450** on January 20, 2006, under "EXPRESS MAIL" mailing label number EV554213033US


Christine M. Holmes

RENEWED PETITION UNDER 37 CFR 1.137(b)

Dear Sirs:

A Petition to Revive the above identified application was filed on July 27, 2005. That petition was dismissed by the Communication mailed on December 20, 2005 because the Appeal Brief filed with the Petition on 25 July 2005 was defective. The Office of Petitions has invited the petitioners to correct the deficiency and have therefore indicated that the Petition to Revive would be granted on filing of a Renewed Petition under 37 CFR 1.137(b) and a Supplemental Appeal Brief.

Accordingly, the appellants have amended the Supplemental Appeal Brief to overcome the objections that were specified in the "Notification of Non-Complaint Appeal Brief (37 CFR 41.37)". That notification listed the following reasons for the non-compliance of the Appeal Brief:

1) The Brief does not contain the items required under 37 CFR 41.37(c), or the items are not under the proper heading or in the proper order.

3) At least one amendment has been filed subsequent to the final rejection, and the Brief does not contain a statement of the status of each such amendment (37 CFR 41.37(c) (1) (iv)).

10) Other (including any explanation in support of the above items):

Section VIII should be the Claims Appendix; Section IX Evidence Appendix is missing; Section X Related Proceedings Appendix is missing.

Applicant's statement of the status of amendments is incorrect.

Applicant has also failed to address the 112 2nd paragraph rejections.

In addressing the above issues of non-compliance, the appellants have amended the Supplemental Appeal Brief as follows:

1) The title of Section VIII has been amended to "Claims Appendix". A Section IX Evidence Appendix has been added and a Section X Related Proceedings Appendix has been added. In each of the appendixes IX and X, only negative entries have been made since there are no other applicable entries to be made in these appendixes.

2) In Paragraph IV Status of Amendments Section of the Supplemental Appeal Brief, the statement was changed to indicate that "An Amendment after Final Rejection was filed on January 23, 2003, but is was not entered".

3) In respect to the applicant's failure to address the 112 2nd paragraph rejections, the appellants would like to point out that the claim involved was claim 26 of the originally filed application. In response to the Examiner's 112 rejection, the appellants had attempted to amend claim 26 to correct the misspelling therein. However, that amendment was not entered by the Examiner. Accordingly, it remains in the application with the misspelling. Therefore, the appellants have withdrawn claim 26, as well as claims 27-29 dependent thereon, from those claims under appeal.

There are no additional items of non-compliance in the Notification of Non-Complaint Appeal Brief dated December 20, 2005. Accordingly, with the Supplemental Amendment filed concurrently, the Examiner would agree that the Appeal fully complies with 37 CFR 41.37.

For the benefit of the Office, the applicable portions of 37 CFR 41.37 are set forth below, and the Appellants have met the requirements as indicated by the Appellant's statement as set forth in respect to each section.

Content and format of the appeal brief (§ 41.37)

The brief shall contain the following items (§ 41.37(c)(1)):

(i). **Real party in interest**

A statement identifying by name the real party in interest even if the party named in the caption of the brief is the real party in interest.

This section has been updated to include information as to the most recent owner and party of interest.

(ii). Related appeals and interferences

Identification of all other prior and pending appeals, interferences or judicial proceedings which may be related to, directly affect or be directly affected by or have a bearing on the Board's decision.

The appellants are not aware of any related appeals or interferences, and those facts are so stated.

(iii). Status of claims

The status of all the claims in the proceeding (*e.g.*, rejected, allowed or confirmed, withdrawn, objected to, canceled) and an identification of the appealed claims.

This section has been amended to delete claims 26, 27, 28 and 29.

(iv). Status of amendments

A statement of the status of any amendment filed subsequent to final rejection.

This section has been amended to acknowledge that an Amendment after Final was filed but was not entered.

(v). Summary of claimed subject matter

A concise explanation of the subject matter defined in each of the independent claims involved in the appeal,

Must refer to the specification by page and line number, and to the drawing, if any, by reference characters.

For each independent claim involved in the appeal and for each dependent claim argued separately,

Every means plus function and step plus function must be identified, and

The structure, material, or acts described in the specification as corresponding to each claimed function must be set forth with reference to the specification by page and line number, and to the drawing, if any, by reference characters.

This section has been amended to include an explanation of each claim.

(vi). Grounds of rejection to be reviewed on appeal

This section has been amended to delete all references to claims 26-29 which have been withdrawn from the appeal.

(vii). **Argument**

A separate heading is required for each ground of rejection.

Any claim(s) argued separately should be placed under a subheading.

A statement which merely points out what a claim recites will not be considered an argument for separate patentability of the claim.

This section has been amended to delete any discussion of claims 26-29, which have been withdrawn from the appeal.

(viii). **Claims appendix**

A copy of the claims involved in the appeal.

This section has been amended by deleting claims 26-29, which have been withdrawn from the appeal

(ix). **Evidence appendix**

Copies of any evidence entered and relied upon in the appeal.

This appendix has been added but, since there is no evidence to be entered, only a negative entry has been made.

(x). **Related proceedings appendix**

Copies of decisions rendered by a court or the Board in any proceeding identified in the related appeals and interferences section.

This appendix has been added but, since there are no related appeals or interferences, only a negative entry has been made.

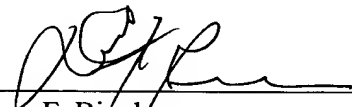
For the above reasons, the appellants believe that the stated reasons for non-compliance have been overcome and that the Supplemental Appeal Brief is in proper form to proceed.

In view of the above considerations, the appellants request reconsideration of the Decision on Petition.

Respectfully submitted,

Dated: January 20, 2006

By: _____


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